

## COMMITTEE ON HUMAN RESOURCES/INSURANCE

**September 6, 2005**

**4:30 PM**

Chairman Shea called the meeting to order.

The Clerk called the roll.

Present: Aldermen Shea, Sysyn, DeVries, Garrity, Forest

Messrs.: L. Bernier, V. Lamberton, F. Thomas

Chairman Shea addressed Item 5 of the agenda:

Communication from Leo Bernier, City Clerk, seeking authorization to hire short term temporary positions as casual labor during peak periods, as a replacement for contract manpower.

Leo Bernier, City Clerk, stated about several years ago I got a call from Randy in Finance saying that these people on manpower are staying too long and in the IRS it is indicated that you are really not spending money correctly. We are being audited at this time and that has come up that the manpower money should not be used the way we have been using it. As you know, during the Presidential election year we had a number of people who stayed with us for more than 12 months and that is not the purpose of manpower. I suggest that you give the City Clerk or the City Clerk's Office an opportunity to hire temporary help as needed for whatever period of time and not to go above whatever the Board appropriates in the manpower money. It is really an IRS function and that is all I am asking.

Alderman DeVries stated my question would be more to protocol and how you plan to utilize this. Does this mean each time you go out to hire you plan on posting or...

Mr. Bernier interjected it would be both. Whatever people are available that we know. We have like Mary Jenkins who does absentees in a sense so she will leave like in December but be back in August. It would be those kind of individuals who have worked with us in the past.

Alderman DeVries asked so what you are saying is there wouldn't be a public posting to let people know that there is an opening.

Mr. Bernier answered I would only draw from people that we have had working with us on a seasonal basis. If we don't have a pool or we don't have individuals that we can draw from then we would definitely go to the HR office and post the position.

Alderman DeVries asked can you give me a better idea of how you anticipate utilizing this because I think in the past you probably had more than one additional employee so are you planning to hire several of them at one time.

Mr. Bernier answered no it will vary. For example, we were fortunate that we had an individual who worked with us for 18 months who did an outstanding job so when we had an individual like Steve the Courier who was on vacation, he filled the slot. We have an individual who is helping Sally right now that is going to be leaving us at the end of September to do some specific work with archives. These are just temporary positions. I am not sure what you are asking.

Alderman DeVries responded my question is what is your vision for your department for your manpower needs. Are you saying that you need several individuals at one given time?

Mr. Bernier replied no.

Alderman DeVries asked are you going to use that \$40,000 among several people or are you planning to find one additional employee that you will utilize for another 18-month period. Maybe I should be asking the HR Director.

Virginia Lamberton, HR Director, stated we are really not talking about changing anything other than how people get paid to comply with the IRS rules. The City Clerk's Office has a group of trained individuals who know how to work elections and they have been paid through this account called contract manpower and it is probably not completely proper in all instances. In order to make sure that we are doing things properly, we will pay them as...they are not really positions. They are temps who come in and do a job, do a mission and then they are done and they leave and don't get any benefits and don't accrue any time. They get nothing. They haven't been getting anything thus far except paid by the hour basically.

Mr. Bernier stated for example, elections. We have a difficult time getting people to help us so we usually draw from people that we know. What I am talking about is like Adam who used to work in Mayor Wieczorek's office. He is a consultant. He is a lobbyist. He comes down and he gets \$13/hour and he does it because that is a community thing. I want to pay him in case he gets hurt. That is all we are trying to do. It is just that I have to get away from the way I am doing it because the IRS says that is the wrong way of doing it so I am trying to do it the right way

and this audit that is going to come out in December will probably suggest that the way I am using manpower we need to do it this way. I am trying to be ahead of the wave.

Chairman Shea stated the only thing I have is my understanding is that the budget impact might allow you possibly to come in with a little less money than you spend now.

Mr. Bernier responded that is correct.

Chairman Shea stated so it will be a savings.

Mr. Bernier replied that is correct.

On motion of Alderman DeVries, duly seconded by Alderman Sysyn it was voted to authorize the City Clerk's Office to hire short-term temporary positions as casual labor during peak periods.

Chairman Shea addressed Item 4 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, requesting the reclassification of Planner III to the new class title of Destination Manchester Coordinator, salary grade 21.

Alderman Forest moved to approve the request. Alderman Sysyn duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

Chairman Shea requested that the report be brought in to the Board meeting this evening.

Chairman Shea addressed Item 5 of the agenda:

Communication from Virginia Lamberton, Human Resources Director, requesting a proposed change in the WTP Operator Trainee class specification by removing the requirement of a State of NH Grade I Operator's License.

On motion of Alderman DeVries, duly seconded by Alderman Sysyn it was voted to approve the request.

Chairman Shea stated we have one other item under new business. It was handed out this evening. It is a request to establish a new position and the position would

be Solid Waste Compliance Officer. I will have Frank Thomas give a little background on why this position is needed.

Frank Thomas, Public Works Director, stated first of all the position is a Solid Waste Compliance Officer and this position was first brought to the attention of the Aldermanic Solid Waste Committee and recommendations that came out of a meeting that was held between Aldermen, consultant and City staff. The position is going to focus on coordinating our efforts and enforcing the ordinances and regulations that we presently have on the books pertaining to solid waste and littering. After our recent walk through the Wilson Street neighborhood and some of the other neighborhoods, it became apparent to everybody that there is a need to have a person, at least one person to start off with, working full-time to address solid waste and littering issues. When solid waste is placed out on the sidewalk areas in improper containers or left out for long periods of time one of the spin-offs of that...first of all it is unsightly and the parties are breaking the ordinances and regulations on the books but it also develops wind blown litter. So this person will go out and address complaints dealing with these issues and try to work with the property owners to address them properly in the future either by purchasing toters or adding additional toters or trash barrels to their facilities and if after trying to work with the property owner we seem to be losing then we will issue citations that are provided for now in the ordinance. Under the ordinance the Highway Department, this position would be an authorized representative of the Health Department because these ordinances do fall under the Health Department's section. So with your concurrence we would like to move forward with this position. We have touched base with the Solid Waste Committee and they are in support of us moving forward. They have a committee meeting, I believe, next week and I believe at that meeting they will also show their support for this position.

Alderman Garrity asked who is in charge of enforcing the ordinances currently.

Mr. Thomas answered right now these ordinances are spread out between basically three different agencies – Health, Housing and Highway and we do try to coordinate our effort now by e-mailing back and forth and sending each department notices. The problem is that we don't have any staff people and none of the other departments have staff people that are working full-time on this particular issue. When there is a complaint one of the three departments will try to follow-up on it. In the Highway Department, the Assistant Chief of Highway Operations now does it when he has the time but unfortunately that is a fairly high level position and he should be out supervising our staff that are out building roads, sewers, etc. and not chasing around people that are leaving their trash barrels out on the sidewalk.

Alderman Garrity asked so this particular person will be working out of your facility.

Mr. Thomas answered yes he would be working out of our facility. He would be pretty much on his own but he would report to the Assistant Chief of Highway Operations and the Chief of Highway Operations.

Alderman Garrity stated I am a little confused because you said the Health Department is the one that enforces the ordinances but...

Mr. Thomas interjected no the ordinances are under their jurisdiction. I guess state law allows the Health Department to issue citations for these fines. Some time ago when these ordinances were revised, the Health Department authorized the Highway Department as their designee to be able to issue citations in the solid waste/littering areas and that is how we will have our citation power.

Alderman Garrity asked so you will have the same citation power as the Health Department.

Mr. Thomas answered that is correct in the areas of solid waste and litter.

Alderman Garrity asked and if we were not to go forward with the position you wouldn't have those powers.

Mr. Thomas answered we would have those enforcement powers and one of the first duties of this position...we will be recommending to the Solid Waste Committee that some of the fines in connection with violating these ordinances be increased.

Alderman Garrity asked and this would be for the entire City – south end, north, etc.

Mr. Thomas answered definitely.

Alderman DeVries asked this individual also would be able to act on cases of illegal dumping if he is able to trace the people responsible.

Mr. Thomas answered yes. This position...again I think it is going to be evolving. Anything dealing with solid waste issues, like illegal dumping, improper disposal of hazardous materials if they come across it, anything dealing with solid waste.

Alderman DeVries asked what are the budget implications for you. Would this person also need a vehicle?

Mr. Thomas answered this person would need a vehicle assigned to him and we do not have any funding in our operating budget for this position.

Alderman DeVries asked so how do you plan to go forward.

Mr. Thomas answered out of contingency.

Alderman DeVries asked so you have put a request in to CIP or you are waiting to see if this position is authorized.

Mr. Thomas answered that is correct. I think part of the authorization at the Board level would have to include funding.

Alderman DeVries stated I have some additional questions on the budget. Your budget concerns me as many budgets concern me with the cost of fuel, construction materials, etc. Do you feel that this is a prudent measure with your budget at this point this early in your budget season to be adding something that was, I assume, not built in to your budget?

Mr. Thomas responded I think if I understood the mood of the Aldermen that were going through the neighborhoods on the day that we all took a walk that they feel this is a high priority to start addressing the solid waste issues in the City and try to put our best foot forward. We are becoming a destination city but yet you go into areas and there is trash piled up all over the area. I agree with you. I have grave concerns about our operating budget this year. Fuel costs, as everybody knows, have gone through the roof. Almost anything that you can think of is food related, whether it is food for your kitchen table or transporting salt to our Highway Department yard from the seacoast to put down on the streets. As you mentioned, construction materials and asphalt products are all going up in costs so, yes, I do have a grave concern with my operating budget. I certainly can't allocate any funds to this position out of my operating budget, at least right now. If we make it through a mild winter that may be a different story but that is why I mentioned that if it is the desire of the Board of Mayor and Aldermen to go forward with this position, funds are going to have to be secured for it outside of my operating budget.

Alderman DeVries replied so what you are saying is that the whole budget piece for this, the salary and the vehicle, will have to be funded outside of your budget.

Mr. Thomas stated the vehicle we may be able to look at a pool car for this position.

Alderman DeVries stated I certainly do not disagree that addressing the litter issues throughout the City are important. I am just not sure that today if I had to make a choice on whether it was more important to keep the roads properly plowed or addressing the litter I know which way I would go and unfortunately it wouldn't be the litter. If we had survived the majority of our past budget season I think I would be rallying behind this. I just believe it is premature not knowing where our budget will take us this year. Is this something that possibly could be worked on over the course of the winter and brought forward when you feel more comfortable with your budget so that we are ready to hit the ground running, if you will, in late spring/early summer?

Mr. Thomas responded well obviously we can hold off on the position but again I feel as others that we do have a problem and I think there has been somewhat of a commitment to at least start looking at some of these neighborhoods to clean them up. I think this is a very important piece of the whole puzzle. I think if you are trying to build back neighborhood pride and whatnot, the City has to step up to the plate and maybe take the first step. I think this would be a good step to show pockets in the City that we do mean business.

Chairman Shea stated I think in some wards obviously there are needs and there are wants. I know that some people aren't impacted by certain needs in some wards that are obviously directly...I know in Ward 7 and you can attest to this, Frank, and I think that we also are going to visit wards on the West Side and maybe Ward 4 and Ward 5 there are certain needs. They are not wants, they are needs. In other words, when we went over on Monday at last week. The next day there were three Highway trucks collecting waste in that Wilson Street area. Now I don't know in other wards and I am not going to personalize this but I know in Ward 7 there are certain needs that have to be addressed. They are not wants, they are needs and I think that is why certain Aldermen who are directly impacted and affected by this are the ones that see the need for it. Other Aldermen see needs in their ward for other situations so I can understand where they are coming from but I know in Ward 7 it is a need. It is not a want; it is a need because we need someone to protect the quality of life of residents living in Ward 7. I can't stress that enough. Not only do we have needs to collect trash and recycling, but we need them for health concerns on the part of the residents there. I don't know where we are going to get the money but this is more important than storm lights and other things that we put in the budget and if we have to we should remove certain things in order to meet these needs.

Alderman Forest stated I happen to be a member of the Solid Waste Committee and this was proposed by the Committee and it was something that we were going to try to iron out. It is a position that we need. There are...well I will cite my ward. There are places in my ward where people put their barrels out and never

take them in. There are couches and mattresses and everything else. The enforcement of this is piecemeal mainly because there are three or four different departments involved and it is a long and drawn out process. A position like this would put a man or woman out there to enforce these laws and issue citations or warnings or whatever and it would be done on a daily basis, not just once a week or once a month. I think every ward has a problem with garbage and stuff and materials that are left out for weeks and months and never picked up. I am in favor of this.

Chairman Shea stated wards that have three tenement houses and people that have multi-families are more impacted than others.

Mr. Thomas stated as somebody mentioned all wards in the City experience these types of problems. Maybe some more than others but there is no ward that is free of it. I have personally gone up to Ward 1 and I have gone all the way down to the South. Nobody is free from these issues.

Chairman Shea asked, Ginny, what might the financial impact be. Can you give us a ballpark amount that might be necessary if we were to approve this position and get the Board's approval?

Ms. Lamberton answered salary grade 15 starts at \$31,678 and I always multiply that by 32% to figure out what the other costs are going to be.

Chairman Shea asked so if it were funded for...we have gone into three months of this budget year so it would probably be...a ballpark figure might be close to \$50,000 for the rest of the year or \$48,000 or something.

Ms. Lamberton answered by the time it goes through the BMA process, it could be done by the first of October let's say so that is three months into the year. We will take  $\frac{1}{4}$  of the salary off and then he has to post it and interview and if nobody in-house wants the job he has to go outside so it could conceivably not get filled until sometime in November. That is five months into the budget year.

Mr. Thomas stated you should consider that there is a good likelihood that this position would be filled from within through the posting process and in all cases I think somebody who applies for this would get a 10% increase...

Ms. Lamberton interjected right from their former salary.

Chairman Shea stated as an adjunct to that I know the Solid Waste Committee is working on upgrading the amount of fines that people would have to pay and if somebody is right there and it is increased to a higher level than it is now, then I

think that possibly someone who is able to devote the time to this could possibly bring in a lot of money from people not following the ordinances properly. Would you agree with that?

Mr. Thomas responded well we are going to be proposing higher fines and we will probably be proposing more increases down the road. It isn't the intent of this position to generate revenue but to work with the residents to clean up the problem. Yes, there will be an increase in revenues as a result of increased citations and whatnot.

Alderman Garrity stated I will agree with my colleague from Ward 8 that dumping in the City is widespread. It covers all 12 wards. When that happens does anybody in the Highway Department do any research on where it is coming from? I know that Aldermen call you up and say there is stuff on Mitchell Street.

Mr. Thomas responded to be honest with you, no. It is a time consuming effort to do that and we just don't have the time.

Alderman Garrity asked would this person do that.

Mr. Thomas answered that would be one of his functions. Again, this is only going to be one person so he can't eliminate every problem we have in the City overnight but yes, that would be one function he would do and if there is illegal dumping, quite frankly most of the time you can find an address and he can pursue that.

Alderman DeVries stated I have one final comment because I don't want my hesitancy in supporting this tonight to be construed that I am not behind this position or this effort. I certainly reiterate that I agree we need to go forward with this. My concerns are just with the budget this year. I hate to have us in a position where we have to send people home to try to keep up with the budget because contingency has been run dry. Our critical City services might be affected and we might be laying off this individual if he is low on the totem pole. I don't know how that will work and if he is affiliated or unaffiliated and we don't need to discuss that. My point being that if critical services are affected this year I would see Police, Fire and some of your other Highway functions like plowing the roads and picking up trash every week critical functions. I would feel more comfortable addressing those before I come back to add on a new position and that is my only point. I would gladly add this position on if we had made it over the hump of what could be a very difficult budget this winter.

Alderman Garrity stated getting back to the dumping would this person have the power to go through a dumping area and find an address and pursue that and

things like that. I am just trying to look at the legal aspect of it. If you dump where you are not supposed to dump it is a \$500 fine I believe right?

Mr. Thomas responded yes I believe that is the case. We would have to sit down with the Solicitor's Office. There may be a need to draft some additional ordinances, etc. regarding this issue. Quite frankly, our focus to date has been on the ordinances that I am aware of that deal with trash containers, the type of trash containers, when you can put them out, litter on private property, that is one of them that can be enforced. Illegal littering. I would have to sit down with the Solicitor's Office before I could intelligently talk to you about it.

Alderman Garrity asked can I have a follow-up memo or something on that after you talk to the Solicitor's Office.

Mr. Thomas answered certainly.

Chairman Shea stated I think Alderman Garrity has raised an important issue, Frank, and I think before we do vote on anything like that that this should be ironed out in terms of how much support that particular aspect of the position would have. I know that some people have different concerns in different wards. If that were to not be the case obviously then that wouldn't have as much credence for these people, which obviously I can see where their position would be changed.

Alderman Forest moved to approve the new position with the condition that it go to the Solicitor and City staff to work out the enforcement authority. Alderman Garrity duly seconded the motion. Chairman Shea called for a vote. The motion carried with Alderman DeVries being duly recorded in opposition.

### **TABLED ITEM**

6. Communication from Joan Porter, Tax Collector, relating to part-time employees.

This item remained on the table.

There being no further business, on motion of Alderman Garrity, duly seconded by Alderman DeVries it was voted to adjourn.

A True Record. Attest.

Clerk of Committee